

REMARKS

There are 46 claims pending in the application comprising claims 36-62 and 65-89. Claim 50 has been amended. Support for the claim amendment can be seen in, for example, Figs. 87 and 90, and their respective descriptions in the specification. New claim 89 has been added.

Applicants respond to the rejections as presented but respectfully state that the Action was found to be difficult to follow and appropriately respond thereto. The difficulty stems from the arguments supporting the rejection not providing an identification of the specific claims to which they apply and also the arguments switching between Mault and Stubbs without apprising the Applicants of how specifically the art was being applied for each claim. For example, it is not clear to the applicants what obviousness analysis was applied to claim 50. To further the application process, applicants have responded the best they can.

The present claimed invention is derived from a true need in the field of athletic training. One of the inventors is an athlete who has competed in sporting events such as triathlons and tried different products to help him manage his training and improve his performance but was frustrated by the products that existed. For example, existing technology did not have the flexibility and functionality identified in the background section of the present application. As such, the inventors collaborated to innovate new tools and systems that can assist athletes, thereby conceiving the inventions claimed herein, and other inventions illustratively described in the specification.

The present Office Action states that claims 36-62, and 65-88 are rejected under 35 U.S.C. 103 as being obvious over U.S. Patent Publication No. US 2001/0049470 to Mault et al. ("Mault") in view of U.S. Patent No. 6,736,759 to Stubbs et al. ("Stubbs"). However, all the features of claims 36-63 and 65-88 are not described or suggested by Mault or Stubbs, singly or in combination.

In the Office Actions, Stubbs is combined with Mault to alleviate the deficiencies in Mault. Specifically, the examiner acknowledges that "Mault does not disclose wirelessly transmitting a speed of movement output that is representative of the current speed of movement of the athlete," and consequently, Mault also does not describe displaying the speed of movement on the display device as recited in the claim 26. The Office Action relies on Stubbs for such features and asserts that the motivation would be to display the instantaneous speed of

movement of a user. However, one of ordinary skill in the art would not modify Mault as suggested by the Office Action because such a modification would be contrary to intended goals, objective, and desired operation of Mault.

Mault is directed to implementing systems and methods for effecting weight loss through diet and activity monitoring for individuals who may be overweight or obese, which necessarily is for a range of users or significantly inclusive thereof of those who are likely not in good physical condition. To achieve its objectives and desired operation, Mault describes a system that monitors a user's total activity or caloric expenditure. Monitoring device 10 of Mault is described to include a body activity monitor that "monitors some aspect of the subject's body activity allowing the person's total activity or caloric expenditure to be reasonably determined." (Mault ¶ 33.) Mault describes that the total activity or caloric expenditure is displayed to the user during the day while the user is active. This is intended to provide an indicator for weight loss. Wirelessly transmitting and displaying the speed of movement would be contrary to Mault's objectives as suggested. For example, modifying Mault to add a speed of movement display on the device in Mault could be detrimental to the weight loss goal and potentially risky as a dieter may misunderstand or misuse the displayed speed of movement information. For example, an individual may seek to increase the speed of her movement to loose weight quicker. Such a misunderstanding is unhealthy for those who are not in good physical condition who may seek to use it as a personal objective to achieve and endanger the health of overweight or obese users seeking to loose weight. In implementation, however, speed of movement is useful for athletes in training to receive feedback on current performance. As such, the suggested combination would be contrary to teachings in Mault and is also likely contrary to Stubbs.

In addition speed of movement would not be a good measure of total caloric or activity measure because it does not take into account whether the user is on an uphill, downhill, or in a **car**.

Moreover, Mault specifically teaches away from such a combination. Mault describes that it displays previously logged information on a user's PC, post-activity. For example, Mault, specifically states "FIG. 5 shows a sample screen display from a local computing device such as a home computer." (Mault ¶ 40, see also ¶¶ 25, 27, 28.)(emphasis added.) The home computer is not moving with the subject and neither is the PC in any physical

relationship with the subject. Thus, Mault teaches to display that information post-activity likely for the reasons given above.

Accordingly, all the features of claim 36 are not described or suggested by Mault or Stubbs, singly or in combination. Claim 37-49, 72-78 and 87-88 which share claim 36 as a base independent claim, are not described or suggested by Mault or Stubbs, singly or in combination, at least for the same reasons provided above with respect to claim 36.

Claim 50, as amended, is distinguishable for some of the same reasons as provided for claim 36. In addition, the Office Action relies on Stubbs disclose the recited "*data logging* device configured to be worn or carried by the user comprising *a second wireless receiver* configured to receive information transmitted from another device worn or carried by the user and *a memory device* configured to *store information received* by the second wireless receiver." Claim 50 (emphasis added). For this feature, the Office Action relies on an oximeter module in Stubbs that can receive data wirelessly from. Stubbs describes that a probe supporting the module transmits data wirelessly to the oximeter module, which then either sends the received probe data to processor/transmitter 66 or processes the received probe data and sends the output to processor/transmitter 66. Stubbs explains that the received data or output is then sent to the display device. Stubbs Col. 14, lines 46-51. There is no mention of data logging or storing this data at the oximeter module or at processor/transmitter 66. As such, the Office Actions reliance on Stubbs to describe or suggest this feature appears to be misplaced.

Accordingly, all the features of claim 50 are not described or suggested by Mault or Stubbs, singly or in combination. Claim 51-62, 79-86, and 89 share claim 50 as a base independent claim and are not described or suggested by Mault or Stubbs, singly or in combination, at least for the same reasons provided above with respect to claim 50.

With respect to claims 65 and 68, for example, as described above, Mault or Stubbs, singly or in combination, do not describe or suggest simultaneously displaying on a personal computer heart rate data and speed data collected by a first and second wireless device worn or carried by a user.

With respect to claim 66, and dependent claims 69-71, Mault or Stubbs, singly or in combination, as described above do not describe displaying heart rate and speed or position data on the display device worn by the user. Accordingly, all the features of claims 65, 66, and 68 are not described or suggested by Mault or Stubbs, singly or in combination.

Claim 67 is not described or suggested by Mault or Stubbs, singly or in combination, at least for the same reasons as provided above for claim 66.

In view of the above remarks, the Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 103 rejection.

In view of the foregoing, it is believed that the entire application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree, a personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,

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Date


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